

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BARRY LINTON,

Plaintiff

v.

NEW YORK LIFE INSURANCE AND ANNUITY  
CORPORATION,

Defendant.

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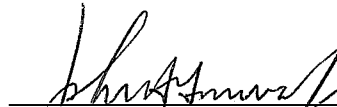
C.A. No. 04-11362-RWZ

**CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 16.1(D)(3)**

The defendant in the above-captioned action and its undersigned representatives hereby certify that they have conferred: (a) with a view to establishing a budget for the costs of conducting the full course -- and various alternative courses -- of litigation; and (b) to consider a resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.



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Dated: April 14, 2005